BILL NO. Z-78-02-28

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34 35 ZONING MAP ORDINANCE NO. Z-14-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R38, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Part of Block "D" in George L. Ashley Homestead, according to the plat thereof, recorded in Plat Record 8, page 84, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows: Commencing at the Northwest corner of said Block "D" in George L. Ashley Homestead; thence South 62 degrees 28 minutes 17 seconds East along the Northerly line of said Block "D" a distance of 859.04 feet to a point on the centerline of St. Joe Road; thence South 36 degrees 20 minutes 16 seconds West 212.51 feet to the point of beginning; thence South 36 degrees 20 minutes 16 seconds West along the centerline of St. Joe Road 365,75 feet to a point; thence North 64 degrees 02 minutes 25 seconds West along the common property line with Riviera Plaza, Inc., as recorded in Warranty Deed, Instrument Number D5555, 708.10 feet to a point, being the Southeast corner of Lot Number 51 in Shoaff Park River Estates; thence North 75 degrees 11 minutes 49 seconds East, 236.69 feet to a point, being the corner of Lots Number 53 and 54 in Shoaff Park River Estates; thence North 27 degrees 31 minutes 43 seconds East, 221.43 feet to a point on the Southerly right-of-way of Shoaff Park River Drive; thence South 62 degrees 28 minutes 17 seconds East along the Southerly right-of-way of Shoaff Park River Drive 588.87 feet to the point of beginning containing 5.05 acres of land, more or less. Subject to all legal roads and highways.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

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APPROVED AS TO FORM AND LEGALITY,

Read the first time in full and on mo	tion by <u></u>	Definis	, second	ed by
. Atter, and duly adopte	d, read the se	cond time by t	itle and refer	red to the
Committee on Gleguli	teris (	and the City Pl	an Commissi	on for
recommendation) and Public Hearing to be	held after due	e legal notice,	at the Coune	il Chambers,
City-County Building, Fort Wayne, Indian	a, on	, the		day
of, 19, at	o'el	ockM.,	E.S.T.	. 6
date: <u>0-28-78</u>	A	CITY CLERK	estetie	lower
Read the third time in full and on me	otion by	.V. K	chme	ah,
seconded by Yerya	, and duly a	dopted, place	d on its pass	ige.
PASSED (LOST) by the following vote:				
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HINGA				2.1
HUNTER				1.47
MOSES X				·
NUCKOLS X				
SCHMIDT, D.				- 10 m
SCHMIDT, V. X			<u> </u>	
STIER X				
TALARICO X				
DATE: 6-27-78		CITY CLERK	w. Ul	lanne
Passed and adopted by the Common	Council of the	City of Fort W	ayne, Indian	ı, as
(ZONING MAP) (GENERAL) -(ANNEXATIO	N) (SPECIAL	) (APPROPRIA	<del>TIO</del> N) ORDI	NANCE
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CITY CLERK		PRESIDING O	7" '	
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day of fine, 1978, at the l	,,		Λ	
<i>J</i> ·	l	CITY CLERK	1 1,1 3	amain
Approved and signed by me this	<i>29</i> da	y of	Jui	ne, 19 <u>28</u>
at the hour of \$30 o'clock_		An .E s.		1
	· -	Kakentz	amstr	DAS
		MAYOR		1/

## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 28, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-02-28; and.

 $\,$  WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 20, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan.

 $\,$  BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

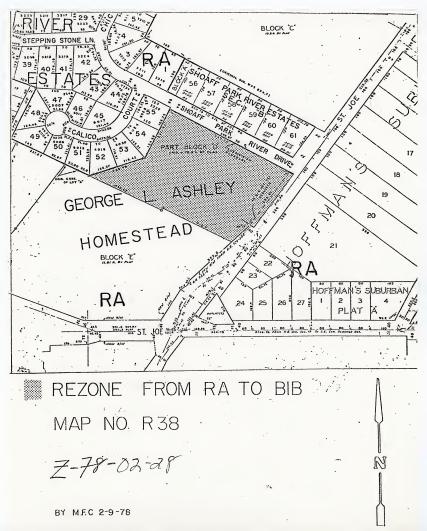
This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 24, 1978.

Certified and signed this 7th day of June, 1978.

Luben Lazoff Secretary

Bill	No. Z-78-02-28	
	REPORT OF THE COMMI	TTEE ON REGULATIONS
We, y	our Committee on Regulations	to whom was referred an Ordinance
	amending the City of Fort Wayne Zonir	g Map No. R38
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	had said Ordinance under consideration and	beg leave to report back to the Common
Counc	il that said Ordinance PASS.	76 400
	VIVIAN G. SCHMIDT - CHAIRMAN	Vivian J. Schmidt
	JOHN NUCKOLS - VICE CHAIRMAN	John Julet
	WILLIAM T. HINGA	William I Knyth
	DONALD J. SCHMIDT	( Salaniel
	JAMES S. STIER	Janes lather
	JAMES S. STIER	NCURRED IN
	CHAR	LES W. WESTERMAN, CITY CLERK

RECEIP HOW PAID AMT. OF ACCOUNT CASH CHECK AMT, PAID BALANCE DUE MONEY ORDER



PETITION FOR ZONING ORDINANCE AMENDMENT	Receipt Nô.
	Date Filed
	Intended Use
I/We Amos Delagrange (Applicant's Name	e or Names)
do hereby petition your Honorable Body	to amend the Zoning Map of
Fort Wayne, Indiana, by reclassifying fro	property described as follows:
Part of Block "D" in George L. Ashley Ho	omestead, according to the
plat thereof, recorded in Plat Record 8 Recorder of Allen County, Indiana, more	, page 84, in the Office of the
C 11	
II - Wthreat garner of c	aid Block "D" in George L. Ashley
Warrens thomas Couth 62 degrees 28 m	inites I/ seconds East along the
Northerly line of said Block "D" a dist on the centerline of St. Joe Road; then	ce South 36 degrees 20 minutes
16 garanda Woot 212 51 feet to the noin	t of beginning; thence south so
demand 20 minutes 16 seconds West alon	g the centerline of St. Joe Road
265 75 foot to a point: thence North 64	degrees 02 minutes 25 seconds
West along the common property line wi recorded in Warranty Deed, Instrument N	umber D5555, 708.10 feet to a
noint boing the Southeast corner of Lo	t Number of in Shoarr raik
Pivor Estatos: thence North 75 degrees	11 minutes 49 seconds East,
236.69 feet to a point, being the corne Shoaff Park River Estates; thence North	r of Lots Number 53 and 54 in
gogonde Fact 221 43 feet to a point on	the Southerly right-or-way or
Shoaff Park River Drive; thence South 6	2 degrees 28 minutes 17 seconds
(Coneral Description for Planning Staff	Use Only)
I/We, the undersigned, certify that I am percentum (51%) or more of the property	described in this petition.
1409 Lincol	n Hwy. East
Amos Delagrange New Haven,	n Hwy. East Mandellagray
12 1100	/
mulh Jolegy -	
(Addross &	Zip Code) (Signature)
(Name) (Address & (If additional space is needed, use rev	verse side)
Legal Description checked by	
NOTE FOLLOWING RULES	
All requests for continuances or request	s that ordinances be taken under
advisement shall be filed, in writing, in Development and Planning, by noon on the	in the OIIIce of Community
-f +b - Ci+ - Dlan Commission at which the	ordinance is to be considered.
If the meanest for a continuance or advi	isement is filed within the require
time, the matter will not be put on the	agenda for the meeting. It

shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: \$50.00)

Name and address of the preparer, attorney or agent.

2410 Fort Wayne Bank Bldg.

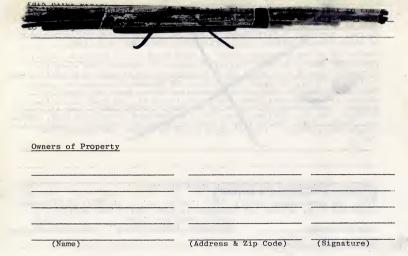
423-1602 Fort Wayne, Ind. 46802 (Address & Zip code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning

East along the Southerly right-of-way of Shoaff Park River Drive 588.87 feet to the point of beginning containing 5.05 acres of land, more or less. Subject to all legal roads and highways.





June 5, 1978

Mr. Gary Baeten
Land Use Administration
City Plan Commission
City-County Building
Fort Wayne, Indiana 46802

Dear Mr. Baeten:

In reference to the rezoning on the Commercial Development of Shoaff Park River Estates, we will agree to the following conditions:

- The Commission will be provided with a maintenance agreement on the 4' earth mound and the landscaping to be placed on that mound, that will be located on the north and west sides of the property.
- Agreement that the storage building will be a 1 story construction (5" on 12" pitch roof 10' sidewalb). Bill # Z-78-02-28 From "RA" to "BlB" a parcel of land containing 5.05 acres.

Sincerely,

Amos D. Delagrange

A. D. DELAGRANGE CONSTRUCTION, INC

ADD/nkg

Jer.

# DIGEST SHEET

TITLE OF ORDINANCE Zo	ning Ordinance Amendment	5-78-02-28
	ORDINANCE Long Range Plan	nning and Zoning
	A parcel of land containing	
of St. Joe Road, and boun	ded on the south by Riviera P	laza, the north by
Shoaff Park Drive and ont	he west by Lots 52 thru 55 of	Shoaff Park River Estates.
· · · · · · · · · · · · · · · · · · ·		
LITEOT OF TASSAGE	operty is now zoned "RA" Dist " District - Limited Business	
EFFECT OF NON-PASSAGE Residential	Property will remain "RA"	District - Suburban
MONEY INVOLVED (Direct Cos	sts, Expenditures, Savings) No	ne .
•		
ASSIGNED TO COMMITTEE	(J. N.)	



# THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

June 30, 1978

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of July 5 & July 12, 1978, in both the News Sentinel and Journal Gazette.

RE; Legal Public Notice

Bill No. Z-78-02-28 Zoning Map Ordinance No. Z-14-78

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Charles W. Westerman

City Clerk

CWW/ne ENCL: 1



#### LEGAL NOTICE

## OF THE COMMON COUNCIL, FORT WAYNE, INDIANA

Notice is hereby given that on the 27th day of June, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-78-02-28 --- Zoning Map Ordinance No. Z-14-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R38

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-02-28 --- Zoning Map Ordinance No. Z-14-78 was passed by the Common Council on the 27th day of June, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of June, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of June, 1978.

> Charles W. Westerman City Clerk

Copies of said Bill No. Z-78-02-28 --- Zoning Map Ordinance No. Z-14-78, is posted in the following places in Fort Wayne, Allen County, Indiana

- The main floor lobby of the City-County Building (1)
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. Z-78-02-28 --- Zoning Map No. Z-14-78, is also available for reading in the following public places in Fort Wayne, Indiana

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council PRoceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman

City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on July 5, 1978.

Charles W. Westerman

City Clerk

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	cil of Fort Wayne	2	'oJ	OURNAL-GAZETTE	1
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STERMAN City Cler

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Form Prescribed by	State Board of Accoun	nts			
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(Gove	ernmental Unit)		10		
Alle	nCounty,	Ind	FORT WAY	NE, INDIANA	
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INE COUNT					
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Body i	number of lines			54	ļ
Tail	number of lines			2	
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amending the City ning Map No. R38. Westerman, Clerk of		ALLEN Indiana County } ss:			
Wayne, Indiana do nat Bill No. Z-78-02-			ore me, a notary public in an	i for said county and s	tate,
the Common Coun-		undersigned	V.E. GERKEN CLERK		
Mayor on the 29th		that she is			of
rd in my office. and, and the official		DAILY	newspaper of general c	fromletion printed and a	Žu.
June, 1978. W. WESTERMAN	CODE OF	in the English language	in the city of FORT WAY		Jubin
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W. WESTERMAN				A-526/000000	

Form Prescribed	by State Board of Acco	unts			
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139SuI		State of Indiana County }	s:		
DIE		Personally appeared	before me, a notary	public in and for said o	county and state, t
the Common Coun- ity of June, and that			V.E. GERKE	who, be	
was duly signed and Mayor on the 29th		that she is	-SENTINEL	<b>!</b>	of 1
8, and now remains and in my office. and, and the official of Fort Wayne, Indi- t June, 1978.		DAILY		of general circulation p	winted and publish
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It Fort Wayne, Indi- city-County Building,				South A.	2000
S W. WESTERMAN				40.	C. STERNINGS

member

7-5-12